

velop technical guides for the implementation of the wetland preservation and wildlife habitat improvement options of the agricultural water quality protection program under section 3838b<sup>1</sup> of this title. Each State technical committee shall establish criteria and guidelines for evaluating petitions by agricultural producers regarding new conservation practices and systems not already described in field office technical guides.

## (2) Content of guides

### (A) In general

The technical guides required under this subsection shall include detailed information on the selection of crops and crop-plant varieties, cover crops, rotation practices, tillage systems, nutrient management, biological control practices (including biologically intensive integrated pest management practices), soil, water, and natural resource conservation, and other practices useful in developing practices pursuant to such option.

### (B) Standards and instructions

The technical guides required under subsection (a) of this section shall provide standards and practical instructions for implementation of wetland protection and wildlife habitat improvement practices based on existing scientific and technical knowledge.

### (C) Contracts

The Secretary may enter into contracts to assist in the development and periodic revision of the technical guides described in this subsection.

## (c) Other duties

Each technical committee shall provide assistance and offer recommendations with respect to the technical aspects of—

- (1) wetland protection, restoration, and mitigation requirements;
- (2) criteria to be used in evaluating bids for enrollment of environmentally-sensitive lands in the conservation reserve program;
- (3) guidelines for haying or grazing and the control of weeds to protect nesting wildlife on set-aside acreage;
- (4) highly erodible lands exemptions and appeals;
- (5) wetland and conservation compliance exemptions and appeals;
- (6) addressing common weed and pest problems and programs to control weeds and pests found on acreage enrolled in the conservation reserve program;
- (7) guidelines for planting perennial cover for water quality and wildlife habitat improvement on set-aside lands;
- (8) establishing criteria and priorities for State initiatives under the environmental quality incentives program under part IV of subchapter IV of this chapter; and
- (9) other matters determined appropriate by the Secretary.

## (d) Authority

Each Committee established under section 3861 of this title is advisory and shall have no

implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of such Committees in administering the programs under this chapter, and to the factual, technical, or scientific findings and recommendations under the Committee's responsibility.

## (e) FACA requirements

The committees established under section 3861 of this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(Pub. L. 99-198, title XII, §1262, as added Pub. L. 101-624, title XIV, §1446, Nov. 28, 1990, 104 Stat. 3604; amended Pub. L. 103-354, title II, §246(f)(3), Oct. 13, 1994, 108 Stat. 3225; Pub. L. 104-127, title III, §342(b), Apr. 4, 1996, 110 Stat. 1009.)

## REFERENCES IN TEXT

Section 3838b of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 104-127, title III, §336(h), Apr. 4, 1996, 110 Stat. 1007.

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-127, §342(b)(1), inserted at end “Each State technical committee shall provide public notice of, and permit public attendance at meetings considering, issues of concern related to carrying out this chapter.”

Subsec. (b)(1). Pub. L. 104-127, §342(b)(2), inserted at end “Each State technical committee shall establish criteria and guidelines for evaluating petitions by agricultural producers regarding new conservation practices and systems not already described in field office technical guides.”

Subsec. (c)(7) to (9). Pub. L. 104-127, §342(b)(3), struck out “and” at end of par. (7), added par. (8), and redesignated former par. (8) as (9).

1994—Subsec. (e). Pub. L. 103-354 added subsec. (e).

## PUBLIC NOTICE AND COMMENT FOR REVISIONS TO CERTAIN STATE TECHNICAL GUIDES

Section 343 of Pub. L. 104-127 provided that: “After the date of enactment of this Act [Apr. 4, 1996], the Secretary of Agriculture shall provide for public notice and comment under section 553 of title 5, United States Code, with regard to any future revisions to those provisions of the Natural Resources Conservation Service State technical guides that are used to carry out subtitles A, B, and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq. [3811 et seq., 3821 et seq.]).”

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3861 of this title.

## CHAPTER 59—WETLANDS RESOURCES

### SUBCHAPTER I—GENERAL PROVISIONS

Sec.

3901. Findings and statement of purpose.

(a) Findings.

(b) Purpose.

3902. Definitions.

### SUBCHAPTER II—REVENUES FOR REFUGE OPERATIONS AND THE MIGRATORY BIRD CONSERVATION FUND

3911. Sale of admission permit at certain refuge units.

(a) Sale of admission permits.

(b) Exceptions.

(c) Distribution of amounts collected.

<sup>1</sup> See References in Text note below.

Sec.

- (d) Persons accompanying permittees.
- (e) Restrictions.
- (f) Establishment of fees; posting of notices.
- (g) Volunteers.

3912. Transfers to migratory bird conservation fund.

#### SUBCHAPTER III—STATE AND FEDERAL WETLANDS ACQUISITION

3921. National wetlands priority conservation plan.

- (a) In general.
- (b) Consultation.
- (c) Factors to be considered.

3922. Federal acquisition.

3923. Restriction on use of eminent domain in acquisitions.

#### SUBCHAPTER IV—WETLANDS INVENTORY AND TREND ANALYSIS

3931. National wetlands inventory project.

- (a) In general.
- (b) Notice.

3932. Reports to Congress.

- (a) In general.
- (b) Contents of reports.

#### SUBCHAPTER I—GENERAL PROVISIONS

### § 3901. Findings and statement of purpose

#### (a) Findings

The Congress finds that—

(1) wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water supply and quality, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all our citizens of the Nation;

(2) wetlands provide habitat essential for the breeding, spawning, nesting, migration, wintering and ultimate survival of a major portion of the migratory and resident fish and wildlife of the Nation; including migratory birds, endangered species, commercially and recreationally important finfish, shellfish and other aquatic organisms, and contain many unique species and communities of wild plants;

(3) the migratory bird treaty obligations of the Nation with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere require Federal protection of wetlands that are used by migratory birds for breeding, wintering or migration and needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(4) wetlands, and the fish, wildlife, and plants dependent on wetlands, provide significant recreational and commercial benefits, including—

(A) contributions to a commercial marine harvest valued at over \$10,000,000,000 annually;

(B) support for a major portion of the Nation's multimillion dollar annual fur and hide harvest; and

(C) fishing, hunting, birdwatching, nature observation and other wetland-related recreational activities that generate billions of dollars annually;

(5) wetlands enhance the water quality and water supply of the Nation by serving as groundwater recharge areas, nutrient traps, and chemical sinks;

(6) wetlands provide a natural means of flood and erosion control by retaining water during periods of high runoff, thereby protecting against loss of life and property;

(7) wetlands constitute only a small percentage of the land area of the United States, are estimated to have been reduced by half in the contiguous States since the founding of our Nation, and continue to disappear by hundreds of thousands of acres each year;

(8) certain activities of the Federal Government have inappropriately altered or assisted in the alteration of wetlands, thereby unnecessarily stimulating and accelerating the loss of these valuable resources and the environmental and economic benefits that they provide; and

(9) the existing Federal, State, and private cooperation in wetlands conservation should be strengthened in order to minimize further losses of these valuable areas and to assure their management in the public interest for this and future generations.

#### (b) Purpose

It is the purpose of this chapter to promote, in concert with other Federal and State statutes and programs, the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere by—

(1) intensifying cooperative efforts among private interests and local, State, and Federal governments for the management and conservation of wetlands; and

(2) intensifying efforts to protect the wetlands of the Nation through acquisition in fee, easements or other interests and methods by local, State, and Federal governments and the private sector.

(Pub. L. 99-645, §2, Nov. 10, 1986, 100 Stat. 3582.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 99-645, Nov. 10, 1986, 100 Stat. 3582, known as the Emergency Wetlands Resources Act of 1986. For complete classification of this Act to the Code, see Short Title note below and Tables.

#### SHORT TITLE

Section 1 of Pub. L. 99-645 provided that: “This Act [enacting this chapter, amending sections 4601-8, 4601-9, 707, 715k-3, 715k-5, and 718b of this title, and enacting a provision set out in the table under section 668dd of this title] may be cited as the ‘Emergency Wetlands Resources Act of 1986’.”

### § 3902. Definitions

For the purpose of this chapter:

(1) The term “Committees” means the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources of the House of Representatives and the Committee